



Practitioner's Docket No. 2003IP-009898U1

*[Signature]*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_ Inventor(s)  
for \_\_\_\_\_ Title of invention

**OR**

In re application of: Phillip C. Harris, et al.

Application No.: 10 / 643,266 Group Art Unit: 3672  
Filed: 08/19/2003 Examiner:  
For: Methods of Fracturing High Temperature Subterranean Zones and  
Foamed Fracturing Fluids Therefor  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. § 1.8(a)**

**37 C.F.R. § 1.10 \***

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**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 4/13/05

*Tammy Knight*  
Signature

Tammy Knight

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE: 37 C.F.R. 1.98(b):**

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.



**SIGNATURE OF PRACTITIONER**

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Robert A. Kent

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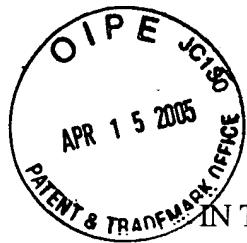
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Duncan, OK 73536-0440

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 3 of 3)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert M. Kriegel, et al. )  
Serial No.: 10/643,266 ) Art Unit: 3672  
Filed: 08/19/2003 ) Examiner: Unknown  
For: Methods of Fracturing High )  
Temperature Subterranean )  
Zones and Foamed Fracturing )  
Fluids Therefor )

**INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicant or Applicant's attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent Number 5,256,315 issued 10/26/93 to Thomas P. Lockhart, et al;

U.S. Patent Number 5,007,481 issued 04/16/91 to Dennis A. Williams, et al.;

U.S. Patent Number 4,515,216 issued 05/07/85 to Jerry Childs;

U.S. Patent Number 4,524,828 issued 06/25/85 to Fred Sabins, et al;

U.S. Patent Number 4,582,139 issued 04/15/86 to Jerry D. Childs, et al;

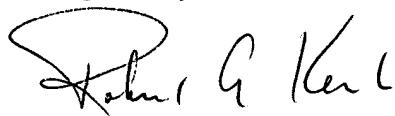
U.S. Patent Number 5,407,909 issued 04/18/95 to K. Gifford Goodhue, Jr., et al;

U.S. Patent Number 5,759,964 issued 06/02/98 to Chris Shuchart, et al;  
U.S. Patent Number 5,975,206 issued 11/02/99 to George Tso-chih Woo, et al;  
U.S. Patent Number 6,245,252 B1 issued 06/12/01 to Robert David Hicks, et al;  
U.S. Patent Number 6,454,008 B1 issued 09/24/02 to Jiten Chatterji, et al; and  
U.S. Patent Number 6,488,091 B1 issued 12/03/02 to Jim D. Weaver, et al.

#### NON-PATENT DOCUMENTS

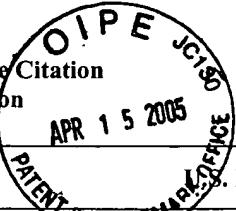
SPE Paper 80236 by Gary P. Funkhouser, et al., "Synthetic Polymer Fracturing Fluid for High-Temperature Applications," Society of Petroleum Engineers Inc. dated 2003; and  
SPE Paper 36492 by McGowen, et al., "Fracturing-Fluid Leakoff Under Dynamic Conditions Part 1: Development of a Realistic Laboratory Testing Procedure," presented at the 1996 SPE Annual Technical Conference and Exhibition, Denver, Colorado, 6-9 Oct. in 1996.  
Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,



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PTO-1449  Information Disclosure Citation in an Application	Application No. <b>10/643,266</b>	Applicant(s): Phillip C. Harris, et al.	
	Docket Number <b>HES 2003-IP-009898U1</b>	Group Art Unit <b>3672</b>	Filing Date <b>08/19/2003</b>

**U.S. PATENT DOCUMENTS**

	<b>DOCUMENT NO.</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>FILING DATE</b>
1	5,256,315	10/26/93	LOCKHART, ET AL.	252	8.551	11/18/91
2	5,007,481	04/16/91	WILLIAMS, ET AL.	166	300	02/02/90
3	4,515,216	05/07/85	CHILDS, ET AL.	166	293	10/11/83
4	4,524,828	06/25/85	SABINS, ET AL.	166	293	10/11/83
5	4,582,139	04/15/86	CHILDS, ET AL.	166	293	11/06/84
6	5,407,909	04/18/95	GOODHUE, JR., ET AL.	507	118	02/19/93
7	5,759,964	01/02/98	SHUCHART, ET AL.	507	209	09/28/94
8	5,975,206	11/02/99	WOO, ET AL.	166	300	03/31/98
9	6,245,252 B1	06/12/01	HICKS, ET AL.	252	8.05	06/29/99
10	6,454,008 B1	09/24/02	CHATTERJI, ET AL.	166	308	03/08/02
11	6,488,091 B1	12/03/02	WEAVER, ET AL.	166	300	06/11/01

**FOREIGN PATENT DOCUMENTS**

	<b>DOCUMENT NO.</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>CLASS</b>	<b>SUBCLASS</b>	<b>TRANSLATION</b>
						<b>YES</b> <b>NO</b>

**NON-PATENT DOCUMENTS**

	<b>DOCUMENT (Including Author, Title, Source, and Pertinent Pages)</b>	<b>DATE</b>
1.	SPE Paper 80236 by Gary P. Funkhouser, et al., "Synthetic Polymer Fracturing Fluid for High-Temperature Applications", Society of Petroleum Engineers Inc.	2003
2.	SPE Paper 36492 by McGowen, et al., "Fracturing-Fluid Leakoff Under Dynamic Conditions Part 1: Development of a Realistic Laboratory Testing Procedure", presented at the 1996 SPE Annual Technical Conference and Exhibition, Denver, Colorado, 6-9 Oct.	1996

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.